

PATENT
Customer No. 22,852
Attorney Docket No. 4676.0183-00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In.re Application of:)	
)	
Chikamasa YAMASHITA et al.)	Group Art Unit: 1616
)	
Application No.: 10/538,837)	Examiner: Alstrum Acevedo, J.H.
)	
Filed: June 13, 2005)	
)	
For: NOVEL DRY POWDER)	Confirmation No.: 5653
INAHALATION SYSTEM FOR)	
TRANSPULMONARY)	
ADMINISTRATION)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application.

Copies of the listed foreign and non-patent literature documents are attached.

Copies of the U.S. patent publications are not enclosed.

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

English abstracts of the non-English documents are enclosed.

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A.A./

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claim in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such documents.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 21, 2006

By: Charles E. Van Horn
Charles E. Van Horn
Reg. No. 40,266

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A.A./

IDS Form PTO/SB/08: Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Complete if Known

SEP 21 2006

Sheet	1	of	3	Application Number	10/538,837
				Filing Date	June 13, 2005
				First Named Inventor	Chikamasa YAMASHITA
				Art Unit	1616
				Examiner Name	Alstrum Acevedo, J.H.
				Attorney Docket Number	04676.0183-00

U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS

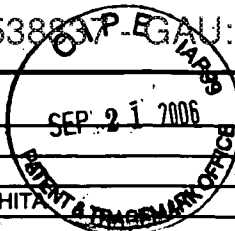
Examiner Initials	Cite No. ¹	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
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		US-4,064,878	12-27-1977	Lundquist	
		US-4,940,662	07-10-1990	Yamazaki et al.	
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Note: Submission of copies of U.S. Patents and published U.S. Patent Applications is not required.**FOREIGN PATENT DOCUMENTS**

Examiner Initials	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation ⁶
		Country Code ³ Number ⁴ Kind Code ⁵ (if known)				
		EP 0133 767 A2	03-06-1985	The Green Cross Corporation		
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /J.H.A.A./

IDS Form PTO/SB/08: Substitute for form 1449A/PTO				Complete If Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Application Number	10/538,837
				Filing Date	June 13, 2005
				First Named Inventor	Chikamasa YAMASHITA
				Art Unit	1616
				Examiner Name	Alstrum Acevedo, J.H.
Sheet	2	of	3	Attorney Docket Number	04676.0183-00



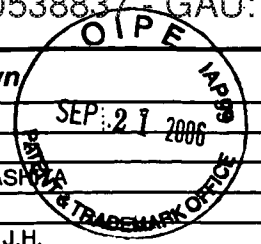
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		HU 216770B	08-30-1999	Norton Healthcare Ltd		Abstract
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Only		JP Kokai No. 8-103499	04-23-1996	Unisia Jecs Corp		Yes
		JP Kokai No. 11-171760	06-29-1999	Teijin Ltd.		Yes
		JP Kokai No. 2001-151673	06-05-2001	Nikken Chem Co Ltd		Yes

NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation ⁶
		G. Slama et al., "A new non-invasive method for treating insulin-reaction: intranasal lyophilized glucagons," <u>Diabetologia</u> , 33:671-674 (1990)	
		P. Lucas et al., "Protein Deposition from Dry Powder Inhalers: Fine Particle Multiplets as Performance Modifiers," <u>Pharmaceutical Research</u> , Vol. 15, No. 4, pp. 562-69 (New York, Plenum Publishing Corp., 1998)	
		U. Conte et al., "Spray Dried Microsphere Preparation: Influence of the Technological Parameters," <u>Drug Development and Industrial Pharmacy</u> , Vol. 20, No. 3, pp. 235-58 (New York, Marcel Dekker, Inc., 1994).	
		K. Inazu & K. Shima, "Freeze-Drying and Quality Evaluation of Protein Drugs," <u>Developments in Biological Standardization</u> , Vol. 74, pp. 307-22 (Basel, Switzerland, Karger AG, 1991).	
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		Pending Claims for U.S. Patent Application No. 10/170,339	

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				<i>Application Number</i>	10/538,837
				<i>Filing Date</i>	June 13, 2005
				<i>First Named Inventor</i>	Chikamasa YAMASHITA
				<i>Art Unit</i>	1616
				<i>Examiner Name</i>	Alstrum Acevedo, J.H.
				<i>Attorney Docket Number</i>	04676.0183-00
Sheet	3	of	3		



Examiner Signature	/James Alstrum Acevedo/	Date Considered	10/18/2008
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.